



**FUCK YOUR
RACIST PRISONS,
FUCK YOUR
RACIST NATION**

**IMMIGRATION DETENTION AND
THE PRISON-INDUSTRIAL
COMPLEX**

END THE PRISON-INDUSTRIAL COMPLEX
kingston, ontario
epic.noblogs.org

**give no fucks
take no orders
fuck the prisons
fuck the borders**

this zine was written by a couple of anarchists in kingston ontario
who want to smash borders, prisons, and the state.
fuck your white supremacist,
settler colonial nation.



End the Prison Industrial Complex
epic.noblogs.org

Vocab and Acronyms:

CBSA – Canadian Border Services Agency

CSC – Correctional Services Canada

IRPA – Immigration and Refugee Protection Act, passed into law in 2001

KIHC – Kingston Immigration Holding Centre

Secret Trial Five – Name used to refer to the five Muslim men detained indefinitely under security certificate legislation in Canada (Adil Charkaoui, Hassan Almrei, Mohamed Harkat, Mohammad Mahjoub, and Mahmoud Jaballah)

Security certificate – A piece of legislation contained within the IRPA that allows the Canadian government to deport or indefinitely detain, without charge, conviction, or trial, any non-citizen living in Canada

Suresh exception – a 2002 decision by the Supreme Court of Canada that allows CBSA to deport non-citizens to the risk of torture or death in “exceptional circumstances”



Security certificates are a legal weapon used to detain and deport non-citizens in the name of safeguarding 'national security'

Security Certificate Detention:

- CSIS intelligence (including intelligence obtained through torture) and racialized “risk profiling” are the legal basis for issuing a security certificate. Once signed, it is a warrant for your arrest and detention.
- A secret trial is held where a federal judge reviews the evidence and decides whether there is “reasonable suspicion” that you are a threat.
- You are given a heavily edited summary of the evidence against you, but any information the judge believes may compromise “national security” is withheld from you and your lawyer.
- If the certificate is upheld, you may be deported (even if you risk facing torture or death upon deportation) or detained indefinitely in administrative limbo. There is no appeal.

“Individuals are subject to the heavy hand of the law, but not subjects in the eyes of the law — and thus can be detained under a legal regime yet not afforded the rights contained therein — pre-emptive punishment made possible by race thinking and cultural paranoia operationalized through a bureaucracy of suspicion.”
- Larsen & Piché, citing Sherene H. Razack

Further Resources

Exceptional State, Pragmatic Bureaucracy, and Indefinite Detention: The Case of the Kingston Immigration Holding Centre by Mike Larsen Justin Piché, found in Canadian Journal of Law and Society, 24.2, 2009

Kingston Immigration Holding Centre Closes, Legacy Remains by Michael Larsen (article)

- Available at <http://prism-magazine.com/2012/04/kingston-immigration-holding-centre-closes-legacy-remains/>
- Also contains the original Memorandum between CBSA and CSC, obtained under the Access to Information Act

Casting Out: The Eviction of Muslims From Western Law and Politics by Sherene H. Razack (book)

The Wrong of the Canadian Immigration System - <http://toronto.nooneisillegal.org/node/573>

Troubling New Anti-Terror Provisions Pass into Law by Matthev Behrens (article)

- Available at <http://www.muslimlink.ca/news/national-international/troubling-new-anti-terror-provisions-pass-into-law>

Bill C-31, “Protecting Canada’s Immigration System Act”

Reform is Not Enough!

The closure of KIHC is not enough. The reform of security certificates would not be enough. The abolition of security certificate legislation, in the context of increasing immigration detention and prison expansion in this country, would also not be enough. Reform of any of these measures is not enough.

It is important to remember that **KIHC came about as a result of the liberal impulse to reform rather than to abolish**. KIHC was constructed as a solution to the problem of indefinite detention in provincial jails. Is this the kind of solution we want? **A brutal shadow prison that exists outside the normal rules of imprisonment**, in which the individuals detained within it are targeted because of their race and religion, held without ever being charged or convicted of a crime, subjected to repressive and brutal conditions, and imprisoned indefinitely? **The liberal impulse to reform gets us nowhere fast**, and it does little to help us draw links between security certificates, immigration detention, white supremacy, and the prison industrial complex in Canada. No closure or reform is enough!

We call for the abolition of all immigration detention centers and of all prisons, of all laws and policies that allow the freedom of some to be taken away at the whim of a racist, white supremacist, settler colonial state.

We call for the abolition of borders and of immigration control, of nations and governments, of all structures and institutions that govern our lives through violence, coercion, and racist policies of exclusion and repression.

We call in short, for the total freedom of all people.

Nothing less will do.



Understanding the Kingston Immigration Holding Centre (KIHC)

Quick Facts:

Name: Kingston Immigration Holding Centre (KIHC)

AKA: “Guantanamo North” or “Canada’s Gitmo”

Established: 2006

Closed: 2011

Located: On the grounds of Millhaven Institution in Bath, ON

Managed by: Canadian Border Services Agency (CBSA)

Operated by: Correctional Services Canada (CSC)

Start-Up Cost: \$3.2 million

Operating Costs: \$1.6 to \$2.6 million per year

Maximum Capacity: 6



Millhaven Institution in Bath

Background:

The Kingston Immigration Holding Centre (KIHC) was a “special” prison that existed to detain alleged “terrorists” who had neither been charged with a crime nor convicted in a trial. The story of KIHC begins in the aftermath of September 11. On November 28, 2001, Correctional Services Canada (CSC) tabled a **secret document** called “Detention of Individuals Not Serving a Sentence Nor Awaiting Trial: Position of the Correctional Service of Canada.” This document recommended that the role of CSC in the detention of “persons detained for reasons other than serving a sentence or awaiting trial” be to offer “correctional expertise.” In other words, CSC would provide staff, training, technical assistance, and advice on the design and location of facilities. This model was ultimately implemented when KIHC opened in 2006.

CSC's involvement in KIHC is noteworthy, because it contradicts CSC's correctional mandate. CSC is only supposed to be involved in imprisoning people who are charged with a crime, awaiting trial, or serving a sentence following a conviction. Security certificate detainees fall into *none* of these categories. **CSC's involvement in the KIHC project, from its earliest conception, speaks volumes about the central injustices of the Canadian prison system.**



Left to Right: Adil Charkaoui, Hassan Almrei, Mohamed Harkat, Mohammad Mahjoub, and Mahmoud Jaballah (Canada's "Secret Trial Five")

According to legislation contained within the Immigration and Refugee Protection Act (IRPA), two options exist when a security certificate is upheld in a **secret trial** by a federal judge: a) the individual will be deported, or b) the individual will be **imprisoned indefinitely** within Canada. For the Secret Trail Five (depicted above), **deportation would have meant torture or death.** They resisted deportation, and thankfully the *Suresh* exception was not used in any of their cases.

Since the Secret Trial Five weren't going to be deported, the Canadian Border Services Agency (CBSA) had to figure out what to do with them. At first, all five men were placed in provincial jails. In the Canadian prison system, provincial jails are used for remand custody, short-term immigration detention, and sentences of less than two years. They are overcrowded places with limited services, not designed for long-term imprisonment. The Secret Trial Five were facing **indefinite detention with no end in sight.** They began **hunger strikes** to protest the conditions of their detentions. Outside the walls of the jails, opposition to security certificates and indefinite detention was growing. Faced with these pressures, the government had to come up with a new solution. KIHC was that "solution."



Bill S-7 makes it easier for law enforcement to use **electronic surveillance and collect DNA** from people they suspect might commit a terrorist offense. It allows police **access to the income tax information of anyone they believe may be involved in criminal activity, trafficking, or terrorist activity.** It also adds new offenses to the list of terror offenses and increases the maximum sentence for anyone who harbors someone who has committed a terrorist offense or a SOIA offense. Finally, it increases border control and monitoring by introducing an **exit-control system that could be used to monitor the movements of anyone leaving the country.**

The shadow of security certificates and secret trials looms large in Bill S-7. This legislation provides the Canadian state with all the power and authority it needs to arrest people, detain people, force people to testify, or subject people to strict bail conditions **on the basis of secret information and without ever charging them with a crime.** Whether or not the police directly employ these powers, their existence serves as a powerful and looming threat that as some groups point out, can be used to compel people to spy on their own communities. It is easy to see how Bill S-7 will be used to further repress, imprison, criminalize, and deport people of colour and Muslims in Canada.



It gets worse. In April 2013, an opportunistic federal government capitalized upon the fear generated by the April 15th Boston marathon bombing and the unrelated April 22nd arrest of two men allegedly plotting against

VIA Rail. They rushed through passage of new “anti-terror” provisions contained in Bill S-7. Bill S-7 passed on April 24 and was given Royal Assent one day later, on April 25.

Bill S-7 is a revival of legislation introduced after 9/11, which included **preventative arrests and secretive investigative hearings**. These powers expired five years later in 2007. A 2007 motion to reinstate the measures failed. Bill S-7 is the most recent iteration of these laws. It was introduced to Senate in February 2012, and was slowly working its way through the system before the government accelerated the process and pushed the bill through in April 2013.

Bill S-7 introduces changes to the Criminal Code, the Canada Evidence Act, and the Security of Information Act (SOIA). It reinstates investigative hearings and preventative arrests in situations where state agents suspect future involvement in so-called “terrorist” activity. It allows evidence considered “potentially injurious” to national security, national defense, or international relations to be **kept secret from defendants and defense lawyers**. It also allows police to force people they believe to have information related to terrorist activity to present evidence in an investigative hearing. **Folks who refuse to attend or refuse to answer questions face arrest and detention.**

Inception, Construction, and Operation:

In 2005, the Department of Public Safety prepared a **secret memorandum** for then Minister Anne McLellan, stating that the Ontario provincial government wanted the federal government to take over responsibility for the imprisonment of security certificate detainees. CSC updated its report from 2001, while the CBSA came up with a document of its own. CSC had the *capacity* to imprison security certificate detainees, but lacked the necessary authority (to do so contradicts their mandate). CBSA, meanwhile, had the *authority* to imprison them (through security certificate legislation), but lacked the practical *capacity* to do so. **KIHC came into being as a shady collaboration between CSC and CBSA.** Essentially, CSC would operate KIHC, while CBSA would manage it.



Overhead View of Millhaven Institution

Millhaven Institution, a maximum security federal prison located in Bath in the greater Kingston area, was selected to serve as the site for KIHC. **The planning and construction of KIHC occurred in secret.**

The public knew nothing about its existence until

April 24, 2006, *after* the Secret Trial Five had been transferred there KIHC was located on the grounds of Millhaven, yet separated from it by a security fence. This curious physical arrangement mirrored the operational arrangement between CBSA and CSC: **KIHC existed as a detention centre simultaneously contained within and excluded from the normal operations of the Canadian prison system.** On a human level, this situation placed the Secret Trial Five into a limbo state: they were subjected to the full, brutal force of the Canadian state while being excluded from the protections it *supposedly* guarantees.

In its construction and operations, **KIHC targets a specific racialized and gendered group for imprisonment: Muslim men.** The CSC officers that acted as **hybrid correctional-immigration enforcement officers** received special cultural-sensitivity training reflecting this reality. The cells were positioned in such a way as to facilitate prayer facing Mecca. No doubt the state wants us to view these facts as indicative of a “noble” multiculturalism, yet **these accommodations only make sense within a racist system that targets a specific racial and religious group for indefinite detention.** KIHC was, quite literally, built to imprison Muslim men, and Muslim men only.

In KIHC, the Secret Trial Five were **subjected to all the daily punitive measures of the prison system, while being denied the rehabilitative services supposedly offered to federal inmates.**



These services included educational programs, recreational programs, paid work, trailer visits with spouses, library resources, and a grievance process involving an external ombudsman. Despite having never even been charged or convicted of any crime, the Secret Trial Five **received worse treatment than federal inmates in maximum security conditions** (treatment that is already appalling).



Sounds good to us!

Bills C-31 S-7 Increase Power to Imprison, and Deport

Though KIHC has closed, **immigration detention in Canada grows ever more repressive.** On February 16, 2012, Immigration Minister Jason Kenney introduced Bill C-31. Many of its provisions went into effect on December 12, 2012. This bill, the so-called “Protecting Canada’s Immigration System Act,” has become more accurately known as the **“Refugee Exclusion Act”** because of the draconian measures it introduces for immigration detention and the arbitrary powers it concentrates in the hands of a few powerful white men.

Bill C-31 amended the IRPA to increase its ability to detain non-citizens of Canada. The bill imbues the Minister of Public Safety (Vic Toews) with the arbitrary power to designate any refugees he wants



Bill C-31 gives the state the power to detain children.

as “irregular arrivals.” Any refugee designated as an “irregular arrival” who is over age 16 faces **immediate, mandatory detention of at least one year.** The state can choose to either **detain children**

under 16 with their parents, or forcefully separate them from their parents. Should “irregular arrivals” eventually have their refugee claims accepted, the Bill denies them the ability to become permanent residents for five years, delaying the process of family reunification.

Bill C-31 also tightens immigration control in a variety of ways. It **introduces strict new timelines for refugees to prove their claims,** making the process of gathering evidence, obtaining legal advice, and meet complicated legal requirements nearly impossible. It allows the Minister to designate whichever countries he wishes as “safe,” without taking into consideration that some nations may be safe for some but not for persecuted minorities. **The Bill makes permanent resident status precarious, increasing the risk of deportation.**

Today, three of the original Secret Trial Five remain imprisoned on house arrest: Mahjoub, Jaballah, and Harkat. Charkaoui and Almeri's certificates were thrown out in 2009, and both men have since **launched lawsuits against the Canadian government**. In addition to the Secret Trial Five, at least 18 other people have faced repression through security certificate legislation since 1991. While a few have had their certificates thrown out, almost all have been deported. In at least one case, **deportation involved a direct handover of the person in question to torture**.

Mohammad Mahjoub has spent **over 12 years in detention without ever having been charged with a crime**. Until early 2013, Mahjoub was still **forced to wear a GPS tracking bracelet**. He was **not allowed to use cellphones or the internet**. All of his



Rally in Support of Mohammad Mahjoub

communications were monitored. He **could not even leave Toronto without a court-appointed supervisor**. In July 2010, federal court ruled that much of the secret evidence used by the government against Mahjoub was **obtained under torture**, yet still he did not have freedom. In May 2012, Mahjoub was able to travel outside of Toronto for the first time since his arrest in 2000. In January 2013, many of Mahjoub's house arrest conditions were finally dropped; however, **the security certificate against him still has not been thrown out**. Jaballah and Harkat similarly continue to fight for their freedom.

Security certificate legislation cannot be reformed; it must be abolished. Mahjoub, Jaballah and Harkat deserve total freedom, as do all people. To learn more about their struggles, check out:

Support Mahjoub Network - www.supportmahjoub.org
Justice for Harkat - www.justiceforharkat.com
Justice for Jaballah - www.justiceforjaballah.org

Closure of the KIHC

KIHC was closed December 31, 2011, after standing empty for almost two years (Mohammed Mahjoub, the last person to be



Demo outside Laval Immigration Detention Centre in Montreal

detained within the KIHC, was placed under house arrest in February 2010). CBSA claims they have saved approximately \$2.5 million annually by closing KIHC.

Note that while security certificates were deemed “unconstitutional,” the KIHC facility itself was considered a “successful” operation and **its closure does not in any way prevent similar facilities from being opened in the future**. Also, while KIHC was a special case, large immigration detention centers continue to exist in Montreal, Toronto and Vancouver.

Where does this leave us now?

CSC can now be contracted to provide “detention services” for other state agencies – that is, their workers and facilities can be deployed to imprison people who have not been tried or charged with any crime. The imagined threat of “Islamic extremism” has long been used by the state, and will continue to be used, to justify detaining and deporting Muslim folks in the interests of “national security” whether or not the security certificate mechanism is available for use. This is also connected to other forms of state repression. Could a similar “interdepartmental memo” be signed to allow CSC to detain anarchists, Indigenous land defenders, and other political activists before they commit any illegal acts? Not unprecedented, nor impossible, especially in the context of recent “preventative security measures” aimed at disrupting political resistance in Canada.

In addition to having contracted CSC to run KIHC, government officials have been touring private detention centers in Australia and meeting with private security firms. **Immigration detention is big business:** many different companies are contracted to build, maintain, and operate detention centers. As Justin Piché asks in the Guardian,

"Is that coming out of the need to detain people who are seeking refuge in Canada, or is that being driven by companies...who stand to profit tremendously [from] incarcerating people?" (Nov. 2012)

Immigration detention is an important element of the prison-industrial complex. "Immigration detention is a growth industry around the world, and some of the biggest private security and prison firms are the beneficiaries" (The Guardian, Nov. 2012). But



this isn't the whole story – private companies are not the only beneficiaries. The interests of capital and the state depend on the PIC to exist; **controlling migration, labour, borders, "citizenship," and**

the movement and livelihoods of people of colour throughout Canada is the repressive function that the PIC plays. For instance "the CBSA is unfairly cracking down on migrant workers, staging raids more frequently than it has in the past, for instance when migrant workers were relied upon to complete Olympic venues" (Vancouver Sun, March 2013).

The closure of KIHC hasn't gotten us any closer to ending the PIC, imprisonment, borders and immigration control, policing, or "national security" campaigns in Canada.

Not Over Yet: Ongoing Struggle, Ongoing Repression

Security Certificates Today

In 2009, Almrei was released from KIHC. Jaballah, Mahjoub, Harkat and Charkaoui had all been released previously, and were being held on **the strictest house arrest conditions in Canadian history.** It briefly seemed as though KIHC would go dormant. Then, in March 2009, Mohammad Mahjoub elected to re-enter the prison. The pressure exerted on his family by his house arrest conditions was too intense. Mahjoub and his family had been placed under **24-hour surveillance** and had to bare the strain of **constant scrutiny, visits and phone calls from CBSA, as well as strict restrictions on their comings and goings.** Mahjoub had been released from prison only to find his home had become his prison, and his family his fellow inmates. To save his family from this Kafka-esque life, Mahjoub once again became imprisoned in KIHC.



Harkat shows off the GPS tracker that he is forced to wear.

In 2007, two years earlier, **the Supreme Court of Canada ruled security certificate proceedings unconstitutional** because they violate s. 7 of the Charter of Rights and Freedoms in regards to the right to a fair trial. So why were the Secret Trial Five still facing repression under these laws? The government was given a one-year grace period to amend the legislation following the Court's ruling. Near the end of that period, Bill C-3 was introduced and passed into law in February 2008. This bill introduced "special advocates" to security

certificate proceeding. These so-called advocates are party to some (but not all) of the secret evidence against security certificate detainees, yet are **unable to communicate with their clients about this evidence, or to take direction from their clients.** This surreal amendment does little to alleviate the injustice of security certificate proceedings. Despite having been ruled unconstitutional, security certificates continue to exist as part of the IRPA because of this so-called "amendment."